

HOUSE No. 1827

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to voting qualification of municipal boards at public hearings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>

HOUSE No. 1827

By Mr. Cutler of Duxbury, a petition (accompanied by bill, House, No. 1827) of Josh S. Cutler and others relative to the voting qualifications of municipal board members at public hearings. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act relative to voting qualification of municipal boards at public hearings.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 39 of the General Laws is hereby amended by striking out Section
2 23D(a) and replacing it with the following:

3 Section 23D. (a) Notwithstanding any general or special law to the contrary, upon
4 municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of
5 any municipal board, committee or commission when holding an adjudicatory hearing shall not
6 be disqualified from voting in the matter solely due to that member’s absence from one or more
7 sessions of the hearing at which testimony or other evidence is received. Before any such vote,
8 the member shall certify in writing that he has examined all evidence received at all missed
9 sessions, which evidence may include an audio or video recording of the missed session or a
10 transcript thereof. The written certification shall be part of the record of the hearing. Nothing in
11 this section shall change, replace, negate or otherwise supersede applicable quorum
12 requirements.

13 (b) By ordinance or by-law, a city or town may adopt minimum additional requirements
14 for attendance at scheduled board, committee, and commission hearings under this section.